



**CITY OF MORGAN HILL**

**CITY COUNCIL  
MORGAN HILL REDEVELOPMENT AGENCY**

**COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Steve Tate, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Cynthia J. Cook Council Member  
Greg Sellers, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Greg Sellers, Vice-Chair  
Hedy L. Chang, Agency Member  
Cynthia J. Cook, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, OCTOBER 4, 2000**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**7:00 P.M.**

**CALL TO ORDER**

(Mayor/Chair Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PRESENTATION**

*Presentation on a Concept for a Wellness Center and Medical Services Plaza*  
Donald Demars

**RECOGNITION**

Rick Saunders  
*Computer Committee Volunteer*

**CITY COUNCIL REPORT**

Mayor/Chair Kennedy

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE  
ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT  
IT TO THE CITY CLERK.**  
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK. THE CITY CLERK WILL  
FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 through #8 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time**

**Estimate**

**Consent Calendar: 1 - 10 Minutes**

**Page**

1. **FINAL FISCAL YEAR 1999/2000 BUDGET ADJUSTMENTS** ..... 1  
**Recommended Action:** Approve Proposed Final Budget Adjustments for the 1999/2000 Fiscal Year.
2. **SUBDIVISION APPLICATION SD-00-12: COCHRANE - COYOTE ESTATES**  
**PHASE 5A** ..... 5  
**Recommended Action:** Take No Action, Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.

3.	<b><u>REIMBURSEMENT TO USA PROPERTIES FOR FRONTING PUBLIC IMPROVEMENTS</u></b> . . . . .	33
	<b><u>Recommended Actions:</u></b>	
	1. <b><u>Appropriate</u></b> \$32,949 from the Current Year Unappropriated Undergrounding Utilities Fund (Fund 350) Balance for Reimbursement and	
	2. <b><u>Authorize</u></b> Reimbursement of \$32,949 for Undergrounding of Overhead Utilities to USA Properties and Reimbursement of \$14,172 for Design and Construction of Surface Improvements by USA Properties.	
4.	<b><u>DELEGATION OF AUTHORITY TO THE CITY MANAGER FOR DETERMINING THE INDUSTRIAL DISABILITY STATUS OF A LOCAL SAFETY MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM</u></b> . . . .	35
	<b><u>Recommended Action:</u></b> <b><u>Adopt</u></b> Resolution No. 5430 Which Delegates the Authority to Make Industrial Disability Determinations from the City Council to the City Manager.	
5.	<b><u>AMENDMENT TO THE MANAGEMENT RESOLUTION</u></b> . . . . .	39
	<b><u>Recommended Action:</u></b> <b><u>Adopt</u></b> Resolution No. 5431 Amending the Management, Professional and Confidential Employees Resolution No. 5320 Which Assigns a New Salary Range to the Position of Budget Manager.	
6.	<b><u>VACATION OF A TEMPORARY TURNAROUND EASEMENT ON LOT #6 OF TRACT #5704</u></b> . . . . .	43
	<b><u>Recommended Actions:</u></b>	
	1. <b><u>Adopt</u></b> Resolution No. 5432 Declaring Summary Vacation of a Temporary Turnaround Easement on Lot #6 of Tract #5704, San Ramon Drive, and	
	2. <b><u>Direct</u></b> the City Clerk to File a Certified Copy of the Resolution in the Office of the Recorder of the County of Santa Clara.	
7.	<b><u>RESPONSE TO GRAND JURY REPORT</u></b> . . . . .	49
	<b><u>Recommended Action:</u></b> <b><u>Approve</u></b> Response to Grand Jury Report.	
8.	<b><u>AGREEMENT WITH GLS RESEARCH TO CONDUCT A HEALTH CARE SURVEY</u></b> . . . . .	51
	<b><u>Recommended Action:</u></b> <b><u>Authorize</u></b> the City Manager to Prepare, Negotiate, and Execute an Agreement with GLS Research in an Amount Not to Exceed \$30,000 for Services to Conduct Focus Groups and a Survey Regarding Community Health Care Issues.	

**PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
9.	5 minutes	<b><u>DEVELOPMENT AGREEMENT APPLICATION DA-00-06: COCHRANE - COYOTE ESTATES PHASE 5A</u></b> . . . . .	85
		<b><u>Recommended Action:</u></b> Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action- <b><u>Motion to Waive</u></b> the Reading in Full of the Ordinance No. 1489	

N.S. Approving the Development Agreement;  
Motion to Introduce Ordinance No. 1489 N.S. by Title Only.

- |     |            |   |
|-----|------------|---|
| 10. | 10 minutes | <p><b><u>ZONING AMENDMENT APPLICATION ZA-99-16: CITY OF MORGAN HILL - WOOD SMOKE ORDINANCE</u></b> ..... 113</p> <p><b><u>Recommended Action:</u></b> Request staff presentation.<br/> Public Hearing opened.<br/> Please limit your remarks to 3 minutes. Public Hearing closed.<br/> Council discussion.<br/> Action- <u>Motion to Waive</u> the Reading in Full of the Ordinance No. 1490<br/> N.S. Approving the Zoning Amendment;<br/> <u>Motion to Introduce</u> Ordinance No. 1490 N.S. by Title Only.</p> |
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**OTHER BUSINESS:**

- |     | Time<br>Estimate |  | Page |
|-----|------------------|--|------|
| 11. | 45 minutes       | <p><b><u>TENNANT AVENUE HIGH SCHOOL SITE MEMORANDUM OF UNDERSTANDING</u></b> ..... 159</p> <p><b><u>Recommended Action:</u></b> A Recommendation Will be Provided by Liaison Committee Members at the October 4<sup>th</sup> Meeting.</p>  |      |
| 12. | 10 minutes       | <p><b><u>MEASURE A ONE-HALF CENT SALES TAX FOR TRANSPORTATION</u></b> ..... 163</p> <p><b><u>Recommended Action:</u></b> <u>Adopt</u> Resolution No. 5429 Supporting Measure A of the Santa Clara Valley Transportation Authority (VTA) to Extend the One-Half Cent Sales Tax for Transportation Purposes.</p> |      |

**SECOND READING OF ORDINANCE:** Full Reading Waived By Majority Vote.  
(Government Code Section 36934)  
**Action -- Adopt** Ordinance by roll call vote.

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|-----|----------|---|
| 13. | 1 minute | <p><b><u>ADOPT ORDINANCE NO. 1487 NEW SERIES</u></b> ..... 195</p> <p>An Ordinance of The City Council of The City of Morgan Hill Approving Amendments to Chapters 18.04, 18.30 and 18.74 of the Morgan Hill Municipal Code, ZA-98-11, as amended.</p>        |
| 14. | 1 minute | <p><b><u>ADOPT ORDINANCE NO. 1488 NEW SERIES</u></b> ..... 207</p> <p>An Ordinance of The City Council of The City of Morgan Hill Approving Development Standards and Allowable Uses for Five Planned Unit Development (PUD) Areas, ZA-98-11, as amended.</p> |

## ***City Council & Redevelopment Agency Action***

**CONSENT CALENDAR:** The Consent Calendar, Agenda Items #15 through #17 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the

City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

<b>Time Estimate</b>		<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
15.	<b><u>APPROVAL OF JOINT CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MINUTES OF SEPTEMBER 6, 2000</u></b> .....	217
16.	<b><u>APPROVAL OF JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF SEPTEMBER 20, 2000</u></b> ...	235
17.	<b><u>APPROVAL OF JOINT CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF SEPTEMBER 20, 2000</u></b> .....	237

**OPPORTUNITY FOR PUBLIC COMMENT**

**CLOSED SESSION:**

**Time  
Estimate**

- |                   |   |
|-------------------|---|
| <b>10 minutes</b> | <p><b>1.</b></p> <p><b>CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION</b></p> <p>Legal Authority: Government Code 54956.8 &amp; 54956.9(c) (1 potential case)</p> <p>Real Property(ies) involved: APN 728-31-007 &amp; 008; 25.50 acres located on the southwesterly side of Road (St. Louise Hospital property)</p> <p>City Negotiators: Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel</p> <p>Closed Session Topic: Potential Litigation</p> |
| <b>15 minutes</b> | <p><b>2.</b></p> <p><b><u>CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR</u></b></p> <p>Legal Authority: Government Code 54956.8</p> <p>Real Property Involved: A 8.93 acre parcel located on West Edmundson Avenue, east of Community Park (APN 767-18-025)</p> <p>City/Agency Negotiators: City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance &amp; Housing Services</p> <p>Closed Session Topic: Acquisition of Real Property</p>    |
| <b>15 minutes</b> | <p><b>3.</b></p> <p>Pursuant to Government Code 54957</p> <p>Public Employee Goals and Performance Evaluation: City Attorney</p> <p>Attendees: City Council, City Attorney, City Manager</p>  |

**ADJOURN TO CLOSED SESSION:**

**RECONVENE:**

**CLOSED SESSION ANNOUNCEMENT:**

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**